



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,081	08/02/2001	Mark L. Rehmann	16356.648 (DC-03060)	6204

27683 7590 08/27/2003
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

LOCKETT, KIMBERLY R

ART UNIT PAPER NUMBER

2837

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,081

Applicant(s)

REHMANN, MARK L.

Examiner

Kim R. Lockett

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,6,8,9,13,14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porzilli in view of Adamson.

Porzilli discloses the use of a speaker apparatus comprising a speaker(10), and an acoustic box(12) connected to the speaker, the box having a sound reflecting distal wall including a plurality of stepped portions with varying distances (claim 8) and mounting ledges (claims 6 and 14) of variable distances from the speaker(see figure 1). Porzilli does not disclose a speaker with stepped portions being a different distance from the speaker than each other stepped portion and to the speaker.

Adamson discloses the use of a speaker housing with stepped portions being a different distance from the speaker than each other stepped portion and being substantially parallel to the speaker (see figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the enclosure as taught by Adamson with the stepped portions as taught by in order to achieve high frequency waveforms.

Art Unit: 2837

2. Claims 2-5,7, 10-12, 17, 15, and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porzilli and Adamson in view of Mitchell.

Porzilli and Adamson do not disclose the use of a microprocessor mounted in the chassis.

Mitchell discloses the use of a chassis(12), a microprocessor(27) mounted in the chassis, an input coupled to provide input to the microprocessor, a storage coupled to the microprocessor, a video controller coupled to the microprocessor, a memory coupled to provide storage (see figures 1 and 3).

Mitchell also disclose the use of a snap fit disclosure using mounting and retention tabs(52)

It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the chassis as taught by Porzilli with the microprocessor system as taught by Mitchell in order to provide a system for efficiently directing sound waves.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huszty et al discloses the use of a speaker enclosure with stepped portions.

Response to Arguments

4. Applicant's arguments filed 3/19/03 have been fully considered but they are not persuasive. The applicant argues the lack stepped portions on a speaker. Porzilli

clearly discloses the use of a speaker apparatus comprising a speaker, an acoustic box connected to the speaker, the box having a sound reflecting distal wall including a plurality of stepped portions with varying distances and mounting ledges of variable distances from the speaker (see figure 1). While Porzilli does not disclose a speaker with stepped portions being a different distance from the speaker than each other stepped portion. Adamson discloses the use of a speaker housing with stepped portions located on the rear of the speaker and being a different distance from the speaker than each other stepped portion and being substantially parallel to the speaker (see figure 4). Mitchell discloses the use of a chassis, a microprocessor mounted in the chassis, an input coupled to provide input to the microprocessor, a storage coupled to the microprocessor, a video controller coupled to the microprocessor, a memory coupled to provide storage. Mitchell also discloses the use of a snap fit disclosure using mounting and retention tabs.

With regards to the applicant's arguments regarding non-analogous art, "it has been held that the test the determination that a reference is from a nonanalogous art is twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved. *In re Wood*, 202 USPQ 171, 174.

With regards to the applicant's arguments regarding motivation, regarding the combination of two speaker housings, "it has been held that the test for obviousness is not whether the features of one reference may be bodily incorporated into the other to

produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. *In re Bozek*, 163 UPQ 545 (CCPA 1969)

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry of a **general nature or relating to the status of this application or filed papers** should be directed to the **Group receptionist whose telephone number is (703) 308-0956.**

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice

Application/Control Number: 09/921,081
Art Unit: 2837

Page 6

published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24). Fax numbers that provide an auto-reply fax receipt are: for before finals (703) 872-9318 and after finals (703) 872-9319.


For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

For requesting copies of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose telephone number is **(703) 308-7615**. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.

Kim Lockett
Patent Examiner
Art Unit 2837


KIMBERLY LOCKETT
PRIMARY EXAMINER